

Message Text

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ACTION OES-07

INFO OCT-01 EA-10 ISO-00 HEW-04 L-03 CIAE-00 INR-10
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FOR ASSISTANT SECRETARY MINK

E.O. 11652: N/A
TAGS: TGEN, JA
SUBJECT: U.S. - JAPAN AGREEMENT IN HEALTH, BIOMEDICAL
RESEARCH, AND REHABILITATION

REF: STATE 61439 AND PREVIOUS

1. BEFORE WE TAKE ACTION IN ACCORDANCE WITH PARA 3
REFTEL, WE WOULD APPRECIATE YOUR CONSIDERATION OF FOLLOW-
ING FACTORS:

A. WE HAVE NOT YET RECEIVED ADVICE FROM DEPT. AND DHEW
AS TO APPLICABILITY OF 1977 AMENDMENTS TO PL 94-484
PERTAINING TO RESEARCH ASSIGNMENTS OF FOREIGN PHYSICIANS
IN THE U.S. OUR LAST COMMUNICATION WAS LETTER DATED
FEB. 22 FROM DR. QUINN, FOGARTY INTERNATIONAL CENTER,
COPY TO DR. GANLEY. IF DR. KING'S ORIGINAL INTERPRETATION
OF AMENDMENTS WAS CORRECT, THEN PROPOSED AGREEMENT LOOMS
RATHER LARGE AS INSTRUMENT FOR PERMITTING ENTRY OF
JAPANESE MEDICAL SCIENTISTS WHO MIGHT BE INVOLVED IN
RESEARCH ACTIVITIES CONNECTED WITH HUMAN PATIENTS.

B. STRATEGICALLY, IF WE WITHDRAW THE CURRENT DRAFT OF
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THE AGREEMENT FROM FURTHER CONSIDERATION, WE MAY RISK
GENERATING A PERCEPTION WITHIN THE GOJ THAT WE NOW
HAVE OUR OWN RESERVATIONS ABOUT THE IMPORTANCE (OR PERHAPS
EVEN THE NECESSITY) OF SUCH AN AGREEMENT, NOTWITHSTANDING
ANY PROTESTATIONS TO THE CONTRARY WE MIGHT MAKE.

C. WE SEE NO IMMEDIATE HARM IN LETTING THE AGREEMENT LIE

FALLOW; EVEN IF THERE HAS BEEN NO URGENCY TO ACT ON IT WITHIN THE GOJ, IT STILL IS IN THEIR ACTION FILE TO REMIND THEM OF OUR INTEREST. FOR EXAMPLE, SINCE LAST ROUND OF CABLE TRAFFIC ON THIS SUBJECT, SCIENCE COUNSELOR HAS TALKED INFORMALLY AND ON LOW-KEY BASIS TO A NUMBER OF JAPANESE MEDICAL SCIENTISTS, SOUNDING THEM OUT ON PROS AND CONS OF AGREEMENT AND TRYING TO ENLIST THEIR SUPPORT. TO WITHDRAW THE AGREEMENT NOW WOULD GIVE THE IMPRESSION THAT THE STATUS QUO IS NOW DEEMED TO BE ACCEPTABLE BY USG AND WHATEVER MOMENTUM HAS BEEN GENERATED--ALBEIT SMALL--WILL BE LOST OR MINIMIZED.

D. CONSIDERING THE HISTORICAL COURSE OF OTHER U.S. - JAPAN S & T AGREEMENTS, SOME OF THEM HAVE TAKEN YEARS TO NEGOTIATE, LARGELY DUE TO NEED OF JAPANESE TO BUILD A CONSENSUS WHEN WE TRY SOMETHING NEW THAT DEVIATES FROM A PRIOR CONSENSUS. HEALTH AGREEMENT IS NO EXCEPTION; IT IS POSSIBLE THAT WITHIN THE GOJ BUREAUCRACY SOMEONE IS STILL WORKING TO FIND A SOLUTION TO THE BUREAUCRATIC PROBLEMS ENUMERATED PREVIOUSLY.

2. TAKING ABOVE INTO ACCOUNT, WE BELIEVE THAT THERE IS SOME MERIT IN NOT WITHDRAWING AGREEMENT AT THIS TIME, BUT OF COURSE WE DEFER TO YOUR JUDGMENT. YOUR REACTION TO THIS MESSAGE WILL BE DETERMINING. SHERMAN

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NNN

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